

COMMONWEALTH OF PENNSYLVANIA

Samantha Lopez : State Civil Service Commission  
 :  
 v. :  
 :  
 Pennsylvania Human Relations :  
 Commission : Appeal No. 31522

Mark R. Natale  
Attorney for Appellant

Morgan Williams  
Robert Taylor  
Keirstyn Marcucci  
Attorneys for Appointing Authority

ADJUDICATION

This is an appeal by Samantha Lopez challenging her removal from regular Human Relations Representative 3 employment with the Pennsylvania Human Relations Commission. Hearings were held on May 7 and July 17, 2025, via video, before Chairwoman Maria P. Donatucci.

The Commissioners have reviewed the Notes of Testimony and exhibits introduced at the hearing, as well as the Brief submitted by the appointing authority.<sup>1</sup> The issue before the Commission is whether there is just cause for appellant's removal.

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<sup>1</sup> While appellant was afforded the opportunity to submit a Brief, no Brief was received.

## FINDINGS OF FACT

1. By letter dated December 2, 2024, appellant was removed from her position as a Human Relations Representative 3, regular status, with the Pennsylvania Human Relations Commission (hereinafter “appointing authority”), effective close of business December 2, 2024. Comm. Ex. A.
  
2. The December 2, 2024 letter informed appellant she was being removed based on the following charges:
  - Conduct unbecoming a Commonwealth employee or supervisor
  - Management Directive 540.7 Amended, Performance Management Program
  - Management Directive 505.36, Telework
  - Management Directive 505.7, 13.1(b) Personnel Rules, Personal ConductComm. Ex. A.
  
3. The December 2, 2024 letter did not specify the underlying conduct upon which the removal was based. Comm. Ex. A.

4. The appeal was properly raised before this Commission and was heard under Section 3003(7)(i) of Act 71 of 2018.<sup>2</sup> Comm Exs. C, D, F.
5. Appellant was employed by the appointing authority as a Human Relations Representative 3 at the appointing authority's Philadelphia Regional Office. N.T. pp. 101, 356.
6. Appellant held the position of Human Relations Representative 3 for four years. N.T. p. 356.
7. Appellant worked for the Commonwealth for eight years. N.T. p. 356.
8. Appellant worked a flexible telework schedule—two days in the office and three days at home. N.T. pp. 359-360.
9. Appellant's scheduled work hours were 8:00 a.m. to 4:00 p.m., Monday through Friday. N.T. p. 403.

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<sup>2</sup> Appellant's request for a hearing on the removal under Section 3003(7)(ii) of Act 71 of 2018 was denied due to an insufficient allegation of discrimination.

10. In or around August 2024, an Interim Regional Director was appointed to replace appellant's supervisor, the former Philadelphia Regional Director. N.T. p. 100.
11. The Interim Regional Director instituted a sixty-day plan to address challenges and concerns related to the former Regional Director. N.T. pp. 129-130.
12. During the period of the sixty-day plan, an investigation was conducted into appellant's alleged misuse of Commonwealth work time and possible violations of the telework policy. N.T. p. 220; AA Ex. 13 (p. 1).
13. By letter dated November 14, 2024, appellant was notified a pre-disciplinary conference (hereinafter "PDC") was scheduled for November 25, 2024, at 9:00 a.m. to discuss the same charges listed in the December 2, 2024 removal letter. N.T. p. 145; AA Ex. 11.
14. The November 14, 2024 letter informed appellant, the listed violations were based upon the following:

Specifically, between August 1, 2024 through October 7, 2024, [appellant] failed to either log in to the VPN and/or failed to perform any work

tasks during [her] normal work schedule of Mon-Fri, 0800-1600. [Appellant] did not request time off or input any requests for leave during these times. In addition, on several occasions, [appellant] did not report to the physical office as scheduled for [her] in-office days and did not seek prior permission to work from home.

AA Ex. 11 (p. 1).

15. On November 25, 2024, appellant's PDC was held as scheduled. N.T. pp. 291; AA Ex. 13.
16. When working remotely, appellant only needed to access the VPN to perform tasks in the case management system (hereinafter "CMS"). N.T. p. 379.
17. Appellant's responsibilities within CMS included uploading and assigning complaints and verifying the associated events were correctly recorded. N.T. p. 358.
18. Appellant did not review draft complaints in CMS. N.T. pp. 368-371.
19. Draft complaints were provided to appellant for review via email. N.T. pp. 368-370; AA Ex. 15.

20. Appellant could access her email and attachments within the email without logging into the VPN. N.T. p. 371.
21. The number of complaints to be assigned and uploaded in CMS varied weekly. N.T. p. 358.
22. To avoid overloading the network and slowing the VPN connection, appellant reviewed multiple complaints collectively in CMS. N.T. pp. 381, 388-392.
23. Appellant was instructed not to be on the VPN unless it was necessary because it would slow down the connection due to the number of employees using the VPN. N.T. pp. 391-392.
24. Management Directive 505.36 (Telework) does not require employees to perform their work on the VPN. N.T. p. 168; AA Ex. 7.
25. Management Directive 505.36 (Telework) does not address the manner in which employees complete their work tasks. AA Ex. 7.

26. Appellant communicated with her staff through the Teams application, phone calls, text messages, and email. N.T. pp. 363-365.
27. Appellant performed work tasks on September 6, 11, 16, 18, 27 and October 7, 2024. AA Ex. 1A.
28. Appellant does not have any prior discipline. N.T. p. 416.

### DISCUSSION

By letter dated December 2, 2024, the appointing authority removed appellant from her position as a Human Relations Representative 3. Comm. Ex. A. Appellant challenged this action under Section 3003(7)(i) of Act 71 of 2018 (hereinafter “the Act”).<sup>3</sup> 71 Pa.C.S.A. §§ 3003(7)(i). Thus, the sole issue before the Commission is whether the appointing authority has established just cause for the removal.

In an appeal challenging the removal of a regular status employee, the appointing authority bears the burden of proving just cause for the removal and must prove the substance of the charges underlying the removal. *Long v. Commonwealth of Pennsylvania Liquor Control Board*, 112 Pa. Commw. 572, 535 A.2d 1233

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<sup>3</sup> Act of June 28, 2018, P.L. 460, No. 71, § 1.

(1988). Factors supporting the just cause removal of a civil service employee must be related to the employee's job performance and touch in some logical manner upon the employee's competency and ability to perform their job duties. *Woods v. State Civil Service Commission*, 590 Pa. Commw. 337, 912 A.2d 803 (2006).

In support of its charge, the appointing authority presented the testimony of IT Executive 3 Kirk Mallein,<sup>4</sup> Interim Regional Director Heather Roth,<sup>5</sup> Human Resources Director Lauren Daman,<sup>6</sup> Assistant Chief Counsel Stephanie Chapman,<sup>7</sup> and Chief of Staff Zulay Rojas.<sup>8</sup> Appellant testified on her own behalf. The evidence provided by the parties has been reviewed by the Commission and is summarized below.

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<sup>4</sup> Mallein is employed as an IT Executive 3. N.T. p. 26. He has held that position for approximately ten years and worked for the Commonwealth for twenty-four years. N.T. p. 26. As an IT Executive 3, Mallein conducts forensic investigations of data related to employee activity on the Commonwealth's computer system. N.T. p. 27. Mallein conducted a forensic investigation of appellant's computer usage. N.T. p. 27.

<sup>5</sup> In January 2013, Roth was appointed as the Regional Director of the appointing authority's Harrisburg Regional Office. N.T. pp. 98-99. In August 2024, Roth was asked to serve as the Interim Regional Director of the Philadelphia Regional Office, in addition to her duties as the Harrisburg Regional Director. N.T. p. 100. As the Philadelphia Interim Regional Director, Roth was tasked with evaluating and addressing deficiencies and mentoring staff until a permanent Regional Director was appointed. N.T. p. 101. While serving as the Philadelphia Interim Regional Director, Roth supervised appellant. N.T. p. 101.

<sup>6</sup> Daman is employed as the appointing authority's Human Resources Director. N.T. p. 216. She has held this position for approximately two years and worked for the Commonwealth for seventeen years. N.T. p. 216.

<sup>7</sup> Chapman serves as the appointing authority's Assistant Chief Counsel and has worked for the Commonwealth for twenty-five years. N.T. pp. 280-281. Chapman was responsible for conducting appellant's pre-disciplinary conference. N.T. p. 282.

<sup>8</sup> Rojas serves as Chief of Staff to the appointing authority, a position she has held for approximately one year. N.T. p. 520. She divides her time between the Harrisburg and Philadelphia Regional Offices, where she provides administrative support to the appointing authority's Executive Director. N.T. pp. 521-522. Previously, Rojas was a clerical assistant under the appellant's supervision. N.T. p. 522.

Appellant was employed as a Human Relations Representative 3 at the appointing authority's Philadelphia Regional Office. N.T. pp. 101, 356. In that role, appellant supervised a team of clerical assistants and intake investigators.<sup>9</sup> N.T. pp. 101-102, 357. Appellant was responsible for reviewing the work of her subordinates, assigning and managing incoming complaints, assembling and mailing service packets, developing and conducting staff trainings, and addressing public inquiries, among other duties. N.T. pp. 102, 357-358, 486-487.

In or around August 2024, an Interim Regional Director was appointed to replace appellant's supervisor, the former Philadelphia Regional Director. N.T. p. 100. The Interim Regional Director, Heather Roth, was tasked with evaluating and addressing deficiencies and mentoring staff until a permanent Regional Director was appointed. N.T. p. 101.

Upon assuming her role as Interim Regional Director, Roth presented a sixty-day plan to the Philadelphia Regional Office's supervisory staff, including appellant. N.T. p. 130. This plan identified challenges and outlined steps to resolve concerns related to the former Regional Director, who, according to supervisory staff, lacked clear guidance, failed to relay Central Office communications, and was unfamiliar with appointing authority policies. N.T. pp. 129-130.

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<sup>9</sup> The clerical assistants assigned to the Intake Unit are responsible for documenting and uploading mail, taking phone calls from the public, and scheduling appointments for persons who want to have a discrimination complaint drafted. N.T. pp. 101-102. The intake investigators are responsible for meeting with the complainants and drafting the complaints. N.T. p. 102.

During the period of the sixty-day plan, an investigation was conducted into appellant's alleged misuse of Commonwealth work time and possible violations of the telework policy. N.T. p. 220; AA Ex. 13 (p. 1). The investigation included a review of the appellant's leave, building access logs, VPN connection logs, and Microsoft Office 365 activity. N.T. pp. 35, 40, 218, 221.

By letter dated November 14, 2024, appellant was advised of the investigation and notified a pre-disciplinary conference (hereinafter "PDC") was scheduled for November 25, 2024, at 9:00 a.m. N.T. p. 145; AA Ex. 11. The purpose of the PDC was to provide appellant with an opportunity to respond to the following charges:

- Conduct unbecoming a Commonwealth employee or supervisor;
- Management Directive 540.7 Amended, Performance Management Program;
- Management Directive 505.36, Telework; and
- Management Directive 505.7 Amended, 13.1(b) Personnel Rules, Personal Conduct.

N.T. pp. 145-146; AA Ex. 11 (p. 1). The PDC Notice also informed appellant, the preceding charges were based upon the following allegations:

Specifically, between August 1, 2024 through October 7, 2024, [appellant] failed to either log in to the VPN and/or failed to perform any work tasks during [her] normal work schedule of Mon-Fri, 0800-1600. [Appellant] did not request time off or input any requests for leave during these times. In addition, on several occasions, [appellant] did not report to the physical office as scheduled for [her] in-office days and did not seek prior permission to work from home.

AA Ex. 11 (p. 1).

On November 25, 2024, the PDC was held as scheduled. N.T. p. 291; AA Ex. 13. The purpose of the PDC was to provide the appellant with an opportunity to present mitigating evidence or an explanation to the appointing authority before any disciplinary decision was made. N.T. pp. 145-146. In attendance at the PDC were Assistant Chief Counsel Stephanie Chapman, Interim Regional Director Roth, appellant, and appellant's union representatives. N.T. p. 411; AA Ex. 13.

Following the PDC, appellant was given one week to submit additional information.<sup>10</sup> N.T. pp. 159-160, 297, 414-415, 438. However, due to her recent surgery and the proximity to the one-year anniversary of her brother's passing, she was unable to submit the requested information within the given timeframe. N.T. pp. 414-415.

On December 2, 2024, appellant was removed from her Human Relations Representative 3 position. Comm. Ex. A. The removal letter cited the same four policies listed in the PDC Notice but failed to specify the underlying conduct supporting those charges. Comm. Ex. A; AA Ex. 11.

Pursuant to Section 614.2(b) of the Office of Administration's Civil Service Reform Regulations, a written notice of a removal issued to a regular status employee, such as appellant, must include a "clear statement of the reason for the

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<sup>10</sup> This timeframe included the Thanksgiving holiday, with the information due the same day the removal was issued, Monday, December 2, 2024.

personnel action, sufficient to apprise the employee of the grounds upon which the personnel action is based.” 4 Pa. Code § 614.2(b). Section 614.2(e) states this requirement is mandatory and failure to adhere to it may nullify the personnel action. 4 Pa. Code § 614.2(e).

In the present matter, the written notice of removal is deficient because it fails to provide a clear and specific statement of the reasons for appellant’s removal. While four policies are enumerated, the notice omits the specific actions or conduct that constituted a violation of these policies. Comm. Ex. A. This lack of specificity prejudices the appellant’s ability to challenge the removal action, thereby constituting a violation of due process. Without specific details, dates, and instances of alleged misconduct, the appellant cannot effectively gather evidence, identify witnesses, or present a meaningful challenge to the allegations. This effectively nullifies appellant’s civil service appeal rights.

Additionally, a non-specific removal letter makes it difficult for an appellant to raise discrimination or retaliation claims. To challenge a removal based on discrimination or retaliation, the appellant must be able to allege specific facts to support their claim, such as how similarly situated employees were treated (disparate treatment), or link the action to protected activities. 4 Pa. Code § 105.12a(e)(3). A non-specific removal letter makes it nearly impossible to draw such comparisons. In fact, appellant’s request for a hearing under Section 3003(7)(ii) of Act 71 was denied based on an insufficient allegation of discrimination. Comm. Ex. C.

Furthermore, a removal action remains part of an employee's employment history and can adversely affect future job opportunities, even if the employee retires or is later reinstated. If the removal is allowed to stand due to procedural vagueness which prejudiced the employee's ability to fight it, the consequences are lasting.

Non-specific removal letters also prevent meaningful review by this Commission. Specific facts are required to determine whether the appointing authority's action was arbitrary, capricious, lawful, or imposed an unreasonable penalty. Ultimately, the requirement for specificity ensures fairness and prevents appointing authorities from making unsubstantiated or bad-faith removals under a veil of ambiguity. This is of particular concern in the present matter as the appointing authority argued alleged policy violations which were not set forth in the PDC Notice, to include utilization of non-Commonwealth issued equipment and the manner in which appellant reviewed her subordinates' work. AA Bf., pp. 30, 42, 53.

Based on the foregoing, this Commission finds the removal letter's deficiencies constitute a procedural violation of the notice requirement set forth in Section 614.2(b) of the Office of Administration's Civil Service Reform Regulations, thereby nullifying the removal action. *See* 4 Pa. Code §§ 614.2(b),(e). Thus, a review of the merits is not required. However, in the interest of a full and complete review, this Commission will address the merits, although it is not strictly necessary.

Since the removal letter lacks a clear statement of the reason for the personnel action, review will be limited to the conduct specified in the PDC Notice. Introducing new allegations after this Notice violates appellant's right to respond to specific charges and bypasses essential due process safeguards. *See Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 546-547 (1985) (holding that a tenured public employee is entitled to oral or written notice of the charges against them, an explanation of the employer's evidence, and an opportunity to present their side of the story).

Upon reviewing the evidence related to the conduct explicitly outlined in the PDC Notice, this Commission finds the appointing authority failed to establish just cause for the removal. The evidence pertaining to the alleged misconduct is discussed in detail below, along with the Commission's findings. In support of our conclusions, we find credible the testimony and evidence provided by appellant and resolve all conflicts in evidence in favor of appellant.<sup>11</sup>

The charges, as set forth in the PDC Notice, were based upon appellant's failure to do the following, between August 1 and October 7, 2024: 1) log into the VPN; 2) perform any work tasks during her normal working hours; 3) request leave for time not worked during her normal working hours; and 4) report to the physical office on scheduled in-office days without seeking prior telework approval. AA Ex. 11 (p. 1). This Commission finds appellant's failure to log into

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<sup>11</sup> It is within the purview of the Commission to determine the credibility of the witnesses. *State Correctional Institution at Graterford, Department of Corrections v. Jordan*, 505 A.2d 339, 341 (Pa. Commw. Ct. 1986).

the VPN for the entirety of her shift is the only fact established by credible evidence. There is no credible evidence to support the claims that appellant failed to: 1) perform *any* work tasks during her normal working hours; 2) request leave for time not worked during her normal working hours; or 3) report to the physical office on scheduled in-office days without seeking prior telework approval. Indeed, Interim Regional Manager Roth conceded appellant's work performance is not at issue. N.T. p. 183. Nor was she charged with policy or procedural violations related to her work performance or the manner in which she accomplished her work (i.e., reviewing draft complaints via email, conducting research via her non-Commonwealth iPad, etc.).<sup>12</sup> Comm. Ex. A.

This Commission further finds the conduct alleged in the PDC Notice does not violate the policies with which appellant was charged. Appellant was charged with violating the following policies: 1) Management Directive 540.7 Amended (Performance Management Program); 2) Management Directive 505.36 (Telework); 3) Section 13.1(b) of Management Directive 505.7 Amended (Personnel Rules); and 4) Conduct Unbecoming. Comm. Ex. A; AA Ex. 11 (p. 1). The appointing authority conceded reference to Management Directive 540.7 Amended (Performance Management Program) was made in error. AA Bf., p. 31. Thus, review will be limited to determining whether the alleged conduct violated the remaining Management Directives and/or constituted Conduct Unbecoming.

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<sup>12</sup> During the hearing, the appointing authority raised concerns with appellant's use of non-Commonwealth issued equipment. However, this conduct was not included in the PDC Notice. Thus, it cannot be considered by this Commission.

Management Directive 505.36 (Telework) establishes the policies, responsibilities, and procedures applicable to employees who are approved to work from an alternate worksite, such as their home, on a full-time, part-time, or ad hoc basis. AA Ex. 7 (p. 1). It is undisputed appellant was on part-time telework status. The issue is whether Management Directive 505.36 (Telework) requires appellant to connect to the VPN. It does not.

Management Directive 505.36 (Telework) only mentions the VPN when listing the various remote access tools available to teleworkers.<sup>13</sup> AA Ex. 7 (p. 3). It is silent on the frequency with which teleworkers should use the VPN. Consequently, appellant's failure to connect to the VPN does not violate this policy.

Management Directive 505.36 (Telework) is also silent on whether part-time teleworkers can flex their in-office days. AA Ex. 7. Appellant worked two days in the office and three days at home. N.T. p. 359. On paper, appellant's two in-office days were Tuesday and Thursday. N.T. pp. 359-360. However, she was permitted to flex those days, if needed. N.T. pp. 359-360. As such, there is no credible evidence appellant violated Management Directive 505.36 (Telework) concerning in-office days she worked from home.

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<sup>13</sup> Section 4(k) reads:

**Technology.** Remote access tools to enable Teleworkers to perform duties from an Alternate Worksite, including but not limited to landline telephones, cell phones, portable computers, and secure remote access such as Virtual Private Network (VPN.)

AA Ex. 7 (p. 3) (emphasis in original).

Nor does appellant's conduct related to the VPN or her in-office days violate Section 13.1(b) of Management Directive 505.7 Amended (Personnel Rules). Section 13.1(b) provides:

Agencies, with the approval of the Secretary of Administration, may establish standards of conduct deemed necessary for the effective operation of that agency. These standards will be communicated to employees and the consequences of violations made known. An employee may be expected to be aware without such notice that certain conduct such as insubordination, coming to work in an unfit condition, theft of property of the commonwealth or others in the workplace and fighting are serious offenses that will subject the employee to immediate discipline.

AA Ex. 8 (p. 106). This section does not directly address the specific means by which an employee completes their tasks, such as connecting to the VPN. Nor does it address an employee's work schedule. Furthermore, no other applicable standards, as contemplated by this section, were entered into evidence.

Performance issues, unlike the conduct enumerated in Section 13.1(b), are generally addressed through progressive discipline and do not typically constitute a serious offense warranting immediate removal. In the present matter, the absence of progressive discipline is particularly concerning because appellant was never informed she was required to use the VPN for all work tasks. N.T. pp. 373, 376, 378. Nor was she instructed to process complaints one by one in the appointing authority's case management system, which required a VPN connection. N.T. pp. 379, 381.

Appellant explained she reviewed multiple complaints collectively in the case management system, which optimized her workflow and allowed her to remain disconnected from the VPN. N.T. pp. 381, 388-390, 392. The appointing authority's VPN connection logs reflect appellant typically connected to the VPN midday or near the end of the workday. N.T. p. 41; AA Ex. 1. This was consistent with her training to avoid overloading the network and slowing the connection. N.T. pp. 391-392. Appellant was never given any additional instruction to the contrary. N.T. p. 396.

The present matter is further complicated by the fact that appellant's previous supervisor failed to provide clear guidance. N.T. pp. 129-130. While there appears to be an attempt to remedy the prior lack of guidance through the sixty-day plan introduced by Interim Regional Director Roth, appellant was not given a fair chance to improve because the expectations regarding VPN usage were not communicated to her. It is axiomatic that a new supervisor must clearly articulate the job requirements and performance gaps that were previously unaddressed. This did not occur here. Bypassing due process by immediately resorting to severe penalties, like removal, without first establishing clear standards is unjust.

Further, this Commission is not convinced by the argument that appellant's actions constituted theft of time in violation of Section 13.1(b). AA Bf., pp. 28-29. Section 13.1(b) does not govern time and attendance matters, which is the core of the appointing authority's claim. Also, the time and attendance instructions introduced by the appointing authority, lack the requisite Office of Administration approval mandated by Section 13.1(b). As such, they cannot be

bootstrapped to the written removal notice via Section 13.1(b). For appellant to be properly notified of such charges, a clear statement must be set forth in the written removal notice, which did not occur in the present matter. *See* 4 Pa. Code §§ 614.2(b),(e).

Likewise, the evidence is insufficient to support the charge of Conduct Unbecoming, which the appointing authority asserts is also based on theft of time. AA Bf., p. 44. The Commission recognizes the appointing authority has the right to have employees present at work to perform the services needed. *See Zielinski v. Luzerne County Assistance Office, Department of Public Welfare*, 107 Pa. Commw 414, 528 A.2d 1028 (1986) (holding in order to perform one's work duties, one must be available for work). However, here, there is no credible evidence appellant was not available for work or failed to perform her duties. As previously noted, Interim Regional Manager Roth conceded appellant's work performance is not at issue. N.T. p. 183.

In its Brief, the appointing authority contends the appellant failed to perform any work on six specific days: September 6, 11, 16, 18, and 27, 2024, and October 7, 2024. AA Bf., p. 11. This argument relies on the assertion that appellant's limited VPN usage and lack of Microsoft Office 365 editing activity signify a complete absence of work. AA Bf., pp. 11-24. However, the appointing authority's claim is belied by the activity logs themselves, which confirm appellant accessed Outlook from her mobile device and downloaded files on each of the specified dates. AA Ex. 1A. This activity aligns precisely with the appellant's testimony regarding her working methods. N.T. pp. 361-367; AA Ex. 1A.

Furthermore, this Commission is not persuaded that appellant was not working on October 7, 2024, merely because her Teams status showed as “offline” and she did not immediately respond to emails sent by Interim Regional Director Roth. Interim Regional Director Roth did not attempt to contact appellant via Teams to confirm she was “offline” and unavailable through the Teams platform. N.T. p. 196. Rather, she contacted appellant’s subordinate and sent two emails to appellant at 11:00 a.m. and 11:12 a.m. AA Ex. 2. There is no evidence appellant’s subordinate spoke or had reason to speak with appellant that morning. Nor is there any evidence the subordinate or other staff attempted to reach appellant and were unsuccessful.

Additionally, no policy was introduced setting forth a specific timeframe within which appellant was required to answer emails. N.T. pp. 185-186. Appellant responded to the Interim Regional Director’s emails at 1:57 p.m. on the same day. AA Ex. 2 (p. 1). There is no evidence appellant failed to respond to staff inquiries or other required communications on October 7, 2025. Moreover, the evidence confirmed appellant was working via her mobile phone and laptop throughout the day in question. AA Ex. 1A. Accordingly, this Commission finds there is no evidence to support the claim that appellant was not working.

It is a fundamental requirement that civil service employees receive proper notice of any alleged infractions, to include time and attendance violations. Given the appellant’s long tenure and lack of prior discipline, any purported time and attendance issues warranted notification and an opportunity for correction through progressive discipline. Removal constitutes an excessively harsh penalty under these circumstances, particularly as the appointing authority failed to substantiate its claims with sufficient evidence.

In summation, based on the preceding, this Commission finds the appointing authority violated the notice requirements set forth in Section 614.2(b) of the Office of Administration's Civil Service Reform Regulations, thereby nullifying the removal action. *See* 4 Pa. Code §§ 614.2(b),(e). The Commission further finds the appointing authority has failed to provide credible evidence that appellant violated the policies with which she was charged. As such, the appointing authority is unable to establish meritorious criteria related to appellant's competency and ability to perform her job duties. Therefore, the Commission finds that the appointing authority has failed to establish just cause for appellant's removal. Accordingly, we enter the following:

#### CONCLUSION OF LAW

The appointing authority has failed to present evidence establishing just cause for removal under Section 2607 of Act 71 of 2018.

#### ORDER

AND NOW, the State Civil Service Commission, by agreement of its members, sustains the appeal of Samantha Lopez challenging her removal from regular Human Relations Representative 3 employment with the Pennsylvania Human Relations Commission and overrules the action of the Pennsylvania Human Relations Commission in the removal of Samantha Lopez from regular Human Relations Representative 3 employment. We order that the removal be expunged

from appellant's record and appellant be returned to regular Human Relations Representative 3 employment within thirty (30) calendar days with reimbursement of wages and emoluments since December 2, 2024, less wages earned and benefits received under the Public Laws of Pennsylvania as established by a sworn statement to be submitted by appellant. We further order that within thirty (30) calendar days of the mailed date of this opinion, the appointing authority shall submit written notice of compliance with this Order to the Executive Director of the State Civil Service Commission.

State Civil Service Commission

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Maria P. Donatucci  
Chairwoman

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Gregory M. Lane  
Commissioner

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Pamela M. Iovino  
Commissioner

Issued: January 22, 2026